

By: Krier

S.B. No. 106

A BILL TO BE ENTITLED

AN ACT

relating to the authority of the Texas Water Commission or the Texas Natural Resource Conservation Commission to determine reasonable use of artesian water.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

~~Insert FLOOR AM. #1~~

SECTION 1. Section 11.205, Water Code, is amended by amending Subsection (b), adding a new Subsection (c), and relettering existing Subsection (c) to read as follows:

(b) It is not waste to use water from an artesian well, if suitable, in an amount established by commission rule as reasonable for the particular use, for proper irrigation of trees on a street, road, or highway or for ornamental ponds or fountains or for the propagation of fish.

(c) The commission by rule shall establish the amount of water that is reasonable for each use under Subsection (b) of this section.

(d) A person who commits waste as defined in this section is guilty of a misdemeanor and on conviction is punishable by a fine of not more than \$500 or by confinement in the county jail for not more than 90 days or by both.

SECTION 2. This Act takes effect December 1, 1991.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the

8-10-91  
8-11-91

1 constitutional rule requiring bills to be read on three several  
2 days in each house be suspended, and this rule is hereby suspended.

1 By: Krier S.B. No. 106  
2 (In the Senate - Filed August 9, 1991; August 9, 1991, read  
3 first time and referred to Committee on Administration;  
4 August 10, 1991, reported favorably by the following vote: Yeas 6,  
5 Nays 0; August 10, 1991, sent to printer.)

6 COMMITTEE VOTE

	Yea	Nay	PNV	Absent
7 Haley	x			
8 Brooks	x			
9 Barrientos	x			
10 Dickson	x			
11 Glasgow				
12 Green				
13 Lyon	x			
14 Montford				
15 Parker				
16 Sims	x			
17 Whitmire				
18				

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46 \* \* \* \* \*

47 Austin, Texas  
48 August 10, 1991

49 Hon. Bob Bullock  
50 President of the Senate

51 Sir:

52 We, your Committee on Administration to which was referred S.B.  
53 No. 106, have had the same under consideration, and I am instructed  
54 to report it back to the Senate with the recommendation that it do  
55 pass and be printed.

56 Haley, Chairman

**FAVORABLE  
SENATE COMMITTEE REPORT ON**

SB SCR SJR SR HB HCR HJR 106

By Krier  
(Author/Senate Sponsor)

August 10, 1991  
(date of submission to Senate)

Lt. Governor Bob Bullock  
President of the Senate

Sir:

We, your Committee on Administration, to which was referred the attached measure,  
have on August 10, 1991, had the same under consideration and I am instructed to report it  
(date of hearing)  
back with the recommendation (s) that it:

- ☐ do pass and be printed  
☐ do pass and be ordered not printed  
☐ and is recommended for placement on the Local and Uncontested Bills Calendar.

A fiscal note was requested. ☐ yes ☐ no

A revised fiscal note was requested. ☐ yes ☐ no

An actuarial analysis was requested. ☐ yes ☐ no

Considered by subcommittee. ☐ yes ☐ no

The measure was reported from Committee by the following vote:

	YEA	NAY	ABSENT	PNV
<u>Haley</u>	✓			
<u>Brooks</u>	✓			
<u>Barrientos</u>	✓			
<u>Dickson</u>	✓			
<u>Glasgow</u>				
<u>Green</u>				
<u>Lyon</u>	✓			
<u>Montford</u>				
<u>Parker</u>				
<u>Sims</u>	✓			
<u>Whitmire</u>				
TOTAL VOTES	<u>6</u>	<u>0</u>		

**COMMITTEE ACTION**

S268 Considered in public hearing  
S270 Testimony taken

Thomas Whitfield  
COMMITTEE CLERK

Haley  
CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill  
Deliver one copy of this form to the Calendar Clerk, Room 218 Capitol  
Deliver one copy of this form to the Legislative Reference Library, Room 207B Capitol  
Retain one copy of this form for Committee files

AMEND THE CAPTION TO CONFORM  
TO THE BODY OF THE BILL

ADOPTED

AUG 11 1991

*Butte Ling*  
Secretary of the Senate

AMENDMENT NO. 1

BY Krien

1 Amend S.B. No. 106 by striking SECTION 1 of the bill and  
2 substituting the following:

3 SECTION 1. <sup>are</sup> Section 11.205, Water Code, ~~is amended by amending~~  
4 (Subsections (b) and (c)) to read as follows:

5 (b) ~~[It is not waste to use water from an artesian well, if~~  
6 ~~suitable, for proper irrigation of trees on a street, road, or~~  
7 ~~highway or for ornamental ponds or fountains or for the propagation~~  
8 ~~of fish.]~~

9 ~~[(e)]~~ A person who commits waste as defined in this section  
10 is guilty of a misdemeanor and on conviction is punishable by a  
11 fine of not more than \$500 or by confinement in the county jail for  
12 not more than 90 days or by both.

ADOPTED

AUG 11 1991

*Letty King*  
Secretary of the Senate

*Floor Am. #1*  
*8-11-91*

August 11, 1991 Engrossed  
*Betsy Spaw*  
Engrossing Clerk

By: Krier

S.B. No. 106

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AN ACT

1 relating to the authority of the Texas Water Commission or the  
2 Texas Natural Resource Conservation Commission to determine  
3 reasonable use of artesian water.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subsections (b) and (c), Section 11.205, Water  
6 Code, are amended to read as follows:

7 (b) ~~[It--is--not--waste--to--use--water--from--an--artesian--well--if~~  
8 ~~suitable--for--proper--irrigation--of--trees--on--a--street--road--or~~  
9 ~~highway--or--for--ornamental--ponds--or--fountains--or--for--the--propagation~~  
10 ~~of--fish--~~

11 [tc] A person who commits waste as defined in this section  
12 is guilty of a misdemeanor and on conviction is punishable by a  
13 fine of not more than \$500 or by confinement in the county jail for  
14 not more than 90 days or by both.

15 SECTION 2. This Act takes effect December 1, 1991.

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17 crowded condition of the calendars in both houses create an  
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8-9-91

AUG 9 1991

Filed with the Secretary of the Senate

Read and referred to Committee on

Administration

AUG 10 1991

Reported favorably

Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

Ordered not printed

AUG 11 1991

Laid before the Senate

Senate and Constitutional Rules to permit consideration suspended by:

unanimous consent

\_\_\_\_ yeas, \_\_\_\_ nays

AUG 11 1991

Read second time, amended, and ordered engrossed by:

unanimous consent  
a viva voce vote

\_\_\_\_ yeas, \_\_\_\_ nays

AUG 11 1991

Caption ordered amended to conform to the body of the bill.

AUG 11 1991

Senate and Constitutional 3 Day Rule suspended by a vote of 30 yeas, 1 nay.

AUG 11 1991

Read third time, \_\_\_\_\_, and passed by:

A viva voce vote

\_\_\_\_ yeas, \_\_\_\_ nays

*Betty King*  
SECRETARY OF THE SENATE

## OTHER ACTION:

August 11, 1991

Engrossed

August 12, 1991

sent to House

Engrossing Clerk

*Daisy Spaw*

AUG 12 1991

AUG 12 1991

Received from the Senate

Read first time and referred to Committee on

Natural Resources

Reported favorably amended, sent to Printer at \_\_\_\_\_

Printed and Distributed \_\_\_\_\_

Sent to Committee on Calendars \_\_\_\_\_

Read Second time (amended): passed to third reading (failed)

by (Non-Record Vote) Record Vote of \_\_\_\_ yeas, \_\_\_\_ nays \_\_\_\_ present not voting.

Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of \_\_\_\_ yeas, \_\_\_\_ nays \_\_\_\_ present not voting.

Read third time (amended): finally passed (failed) by a (Non-Record Vote) Record Vote of

\_\_\_\_ yeas, \_\_\_\_ nays \_\_\_\_ present not voting.

Caption ordered amended to conform to body of bill.

Returned to Senate.

CHIEF CLERK OF THE HOUSE

Returned from House without amendment.

Returned from House with \_\_\_\_ amendments.

Concurred in House amendments by a viva voce vote \_\_\_\_ yeas, \_\_\_\_ nays.



\_\_\_\_\_ Refused to concur in House amendments and requested the appointment of a Conference Committee to adjust the differences.

\_\_\_\_\_ Senate conferees instructed.

\_\_\_\_\_ Senate conferees appointed: \_\_\_\_\_, Chairman; \_\_\_\_\_  
\_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_

\_\_\_\_\_ House granted Senate request. House conferees appointed: \_\_\_\_\_, Chairman;  
\_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_ Conference Committee Report read and filed with the Secretary of the Senate.

\_\_\_\_\_ Conference Committee Report adopted on the part of the House by: \_\_\_\_\_

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

\_\_\_\_\_ Conference Committee Report adopted on the part of the Senate by: \_\_\_\_\_

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays

**OTHER ACTION:**

\_\_\_\_\_ Recommitted to Conference Committee

\_\_\_\_\_ Conferees discharged.

\_\_\_\_\_ Conference Committee Report failed of adoption by: \_\_\_\_\_

{ a viva voce vote  
\_\_\_\_\_ yeas, \_\_\_\_\_ nays